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VIA SAME-DAY HAND DELIVERY

Ms. Magalie Salas
Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

Re: Reply Comments of Liberman Television, Inc. in
WT Docket No. 96-86

Dear Ms. Salas:

On behalf of Liberman Television, Inc. ("LTI"), and in accord with 47 C.F.R. § 1.419, enclosed for filing with the Commission are an original and nine copies, which include copies for each Commissioner, of the Reply Comments of LTI in response to the Commission's Second Notice of Proposed Rulemaking in the Matter of The Development Of Operational, Technical and Spectrum Requirements For Meeting Federal, State and Local Public Safety Agency Communication Requirements Through The Year 2010, in the above-referenced docket.

An additional copy of the Reply Comments is enclosed to be date-stamped. Please return the date-stamped copy to the courier for delivery to the undersigned.

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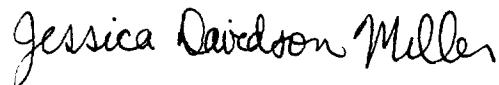
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Any questions regarding this filing should be referred to the undersigned.
We very much appreciate your assistance in processing this filing.

Respectfully submitted,

A handwritten signature in cursive script that reads "Jessica Davidson Miller".

John E. Welch

Jessica Davidson Miller

Counsel to Liberman Television, Inc.

Enclosures

cc: Lenard Liberman
Chris Buchanan

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.**

In the Matter of)	
)	WT Docket No. 96-86
The Development of Operational,)	
Technical and Spectrum Requirements)	
For Meeting Federal, State and Local)	
Public Safety Agency Communication)	
Requirements Through The Year 2010)	
)	
Establishment of Rules and Requirements)	
For Priority Access Service)	
To: The Commission		

REPLY COMMENTS OF LIBERMAN TELEVISION, INC.

John E. Welch
Jessica Davidson Miller

O'MELVENY & MYERS LLP
555 13th Street, N.W.
Washington, D.C. 20004-1109

Counsel for Liberman Television, Inc.

Dated: January 26, 1998

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

In the Matter of)	
)	
The Development of Operational,)	WT Docket No. 96-86
Technical and Spectrum Requirements)	
For Meeting Federal, State and Local)	
Public Safety Agency Communication)	
Requirements Through The Year 2010)	
)	
Establishment of Rules and Requirements)	
For Priority Access Service)	

To: The Commission

REPLY COMMENTS OF LIBERMAN TELEVISION, INC.

Liberman Television, Inc. ("LTI"), by its counsel, submits these comments in reply to comments submitted to the Commission pursuant to the Commission's Second Notice of Proposed Rulemaking ("NPRM") in the above-captioned proceeding.¹ LTI recently acquired KRCA(TV) in Riverside, California, a foreign-language television station that broadcasts Mandarin Chinese, Korean, Farsi, Vietnamese and Armenian programming. KRCA currently operates on Channel 62 and was given a DTV allotment between Channels 60-69 under the Sixth Report and Order.² As such, LTI has a critical

¹ In the Matter of the Development of Operational, Technical and Spectrum Requirements For Meeting Federal, State and Local Public Safety Agency Communication Requirements Through The Year 2010, WT Docket No. 96-86, Second Notice of Proposed Rulemaking (released Oct. 24, 1997) ("NPRM").

² In the Sixth Report and Order, FCC No. 97-115 (Apr. 21, 1997), recons. pending, KRCA was allotted Channel 69 for DTV operations. That allotment is not feasible because of land mobile interference. As such, KRCA's prior owner, Fouce Amusement (continued...)

stake in seeking full protection from interference for Channels 60-69 during the DTV transition period. In these reply comments, LTI expresses its strong support for the joint proposals made by The Association for Maximum Service Television, Inc. ("MSTV") and The National Association of Broadcasters ("NAB") in the comment phase of this proceeding regarding such protection.³

ARGUMENT

In the NPRM, the Commission sought comment on technical requirements for protecting incumbent broadcast licensees and planned DTV allotments against interference.⁴ The Commission proposed protecting co-channel analog TV stations on Channels 60-69 by adopting geographical spacing requirements based on a 40 dB D/U signal ratio at the 55-mile Grade B contour of the protected TV station.⁵ The Commission sought comment on such co-channel protection criteria as well as appropriate adjacent channel protection criteria for Channels 60-69.⁶ The Commission

²(...continued)

Enterprises, filed a petition for reconsideration with the Commission that describes the potential for interference and asks that its DTV allotment be changed. See Petition for Reconsideration of Fouce Amusement Enterprises, MM Docket No. 87-268 (June 13, 1997). Since assuming ownership of the station on January 6, 1998, LTI has met with Commission staff and filed an ex parte written presentation seeking a new DTV allotment, which would also be between Channels 60-69.

³ See Comments on the Second Notice of Proposed Rulemaking Submitted by the Association for Maximum Service Television, Inc. and the National Association of Broadcasters, WT Docket No. 96-86 (Dec. 22, 1997) ("MSTV/NAB Comments").

⁴ See NPRM at ¶ 228.

⁵ Id. at ¶ 233.

⁶ Id. at ¶ 237.

also sought comment on the possibility that DTV stations may require less protection than analog stations because they could exhibit greater resistance to interference.⁷

LTI supports the proposals in the MSTV/NAB Comments to: (a) set geographical spacing requirements based on a 50 db D/U co-channel protection ratio for analog television stations; (b) protect channels at a 55-mile radius or their Grade B contour, whichever is greater; and (c) postpone the establishment of digital protection standards until a committee studies all the data and issues related to the protection of DTV channels. Moreover, LTI urges the Commission to establish adjacent channel protection for Channels 60-69 by adopting geographical spacing requirements based on a 0 dB D/U signal ratio, as it has for Channels 14-20.⁸

First, LTI supports a 50 db D/U co-channel protection ratio for analog stations. As the MSTV/NAB Comments state, reducing the protection standard to a signal ratio of 40 db D/U would result in increased interference and loss of service for

⁷ Id. at ¶ 235.

⁸ LTI is also concerned by statements contained in the comments of the State of California urging the Commission to "move" television broadcasters off of Channels 60 through 69 "as soon as possible." See Comments on the Second Notice of Proposed Rulemaking Submitted by the State of California, WT Docket No. 96-86, at ¶ 49 (Dec. 22, 1997) ("California Comments"). Although LTI recognizes California's public safety concerns, the Commission has ensured broadcasters that they will be able to broadcast with full protection on Channels 60 through 69 during the entire DTV transition period. In light of these statements in the California Comments, LTI urges the Commission to reiterate such assurances.

television stations between Channels 60-69.⁹ LTI strongly opposes any reduction in the protection standard, because such a reduction would likely result in the degradation of service by KRCA and other stations on Channels 60-69.¹⁰ Moreover, as the MSTV/NAB Comments note, broadcasters like KRCA that operate on Channels 60-69 tend to be the most vulnerable television stations and are therefore in greatest need of protection.¹¹ As an independent station that provides foreign-language programming on Channel 62 to a widely scattered viewing audience throughout the Los Angeles area, KRCA will be relying on the Commission's protection criteria to be able to reach its full viewing audience in a highly competitive television market. Reducing the protection standard to a signal ratio of 40 dB D/U would result in significant service losses that could threaten the viability and success of KRCA.

Second, LTI urges the Commission to protect analog television stations at a 55 mile radius or their Grade B contour, whichever is greater. As MSTV and NAB recognized in their comments, many stations -- including KRCA -- produce a Grade B contour that is greater than 55 miles in radius.¹² Because KRCA's Grade B contour

⁹ See MSTV/NAB Comments at 4-5.

¹⁰ Indeed, proposals like those made in comments submitted by the Association of Public-Safety Communications Officials-International to further reduce co-channel protection would likely result in serious interference that could threaten the viability of many stations operating between Channels 60-69. See Comments on the Second Notice of Proposed Rulemaking Submitted by the Association of Public-Safety Communications Officials-International (APCO), WT Docket No. 96-86, at 17-18 (Dec. 24, 1997).

¹¹ MSTV/NAB Comments at 6-7.

¹² Id. at 4.

extends more than 55 miles in radius in directions toward populated areas, many of which are home to viewers with an interest in foreign-language programming, KRCA would lose part of its viewing audience absent full protection to its current Grade B contour. Accordingly, KRCA urges the Commission to adopt the proposal in the MSTV/NAB Comments that would protect stations up to their existing Grade B contour, even if it exceeds 55 miles in radius.

Third, LTI also supports the suggestion in the MSTV/NAB Comments that the Commission refrain from implementing protection criteria for digital television until adequate data are available.¹³ As a broadcaster that will most likely have a DTV allotment between Channels 60-69 and is also concerned about public safety needs in the Los Angeles area, LTI believes the Commission will be best able to balance those competing concerns if it creates a committee to study all the relevant issues and data before establishing DTV protection criteria. Stations like KRCA that receive DTV allotments between Channels 60-69 will be required to undergo significant expense by first building a DTV station during the transition period -- and then moving to new channels after the DTV transition period is completed. As such, the Commission should be particularly mindful of ensuring that these stations are able to operate without interference during the DTV transition period. Because there is currently insufficient data regarding interference and digital television, establishing protection criteria at this time would be an exercise in speculation. LTI therefore agrees with MSTV and NAB

¹³ Id. at 8.

that a committee should fully study and analyze laboratory and field data before the Commission sets protections standards for digital television.

Finally, LTI urges the Commission to protect adjacent channel TV operations by adopting geographical spacing requirements based on a 0 dB D/U signal ratio, as it has for Channels 14-20. The importance of such adjacent channel protection is demonstrated by the severe interference suffered in the past by Channel 14 and Channel 69 facilities when land mobile stations have been permitted to operate in the vicinity of an adjacent channel television station.

CONCLUSION

KRCA is strongly committed to fulfilling its public service obligations and providing high-quality foreign language programming to an audience that is spread throughout the Los Angeles area. However, without full protection, KRCA will not be able to fulfill that mission. Accordingly, LTI would first, urge the Commission to provide full co-channel protection for analog stations between Channels 60-69 based on a 50 dB D/U signal ratio at 55 miles or the Grade B Contour, whichever is greater, in addition to adjacent channel protection for such stations. Second, LTI urges the Commission to refrain from establishing protection criteria for digital television stations between

Channels 60-69 until it has fully considered all the relevant data and issues affecting DTV interference.

Respectfully submitted,

Liberman Television, Inc.

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Its Counsel

Dated: January 26, 1998

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